

REMARKS

Claims 1-4, 7-12, 19, 20, and 22-27 are pending in the present application. Claims 1, 12, and 19 have been amended. Claims 1, 7, and 19 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Allowable Subject Matter

Applicant acknowledges with thanks that claim 7 has been allowed.

Rejection Under 35 U.S.C. § 103

Claims 1-4, 8-13, 19, 20, and 22-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprenger et al., "H-BLOB: A Hierarchical Visual Clustering Method Using Implicit Surfaces," IEEE, Oct. 2000 (hereafter "Sprenger") in view of U.S. Patent Application Publication No. 2004/0168115 to Bauernschmidt et al. (hereafter "Bauernschmidt") and U.S. Patent No. 5,710,894 to Maulsby et al. (hereafter "Maulsby"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicant respectfully submits that the above-cited references, taken separately or in obvious combination, fail to teach or suggest every claimed feature.

Without admitting that the currently ground of rejection is proper, Applicant has amended the claims to further distinguish over the cited references, in an effort to expedite prosecution. As amended, independent claims 1 and 19 recite mutually exclusive first and second characteristics associated with different design elements. The amended claims also recite changing one of the design elements from being associated with the second characteristic to the first characteristic in response to its shape being dragged from the affinity region associated with the second characteristic and hovered over the affinity region associated with the first characteristic. Such

amendment is supported, e.g., in paragraph 28 of the specification.¹ It is respectfully submitted that such claim feature is neither taught nor suggested by Sprenger, Bauernschmidt, and Maulsby.

In the rejection, the Examiner admits that “[n]either Sprenger nor Bauernschmidt discloses changing the characteristic of a second design element to be the same as a first design element in response to a user dragging the second element over an affinity region that includes the first element” (Office Action at page 4, 2nd paragraph). Thus, the Examiner imports the teachings of Maulsby to remedy this deficiency.

However, Applicant respectfully refers the Examiner to col. 34, line 55 to col. 35, line 13 of Maulsby which states the following

“The membership of a particular jar is dynamic in that a user can create new jars and modify the membership of existing jars at any time. **Further, jars can be placed within other jars.** Once a jar is defined by a user, dropping a particular rule or property (as discussed above) onto the graphical representation of the jar has the effect of copying the rule or property to each instance (e.g., member of the jar) of the jar individually (e.g., dropping it on each member of the jar individually. [...] Thus, jars can be used to define sets of objects on which particular actions can be performed. [...] Although membership of a jar is dynamic in that members can be added or removed, the **removal of a member from the jar will not automatically disassociate the rule or property (assigned to the jar) from the member.** This would need to be done manually with respect to the removed member. Further, **addition of a member to an existing jar (alone) will not automatically associate any rules or properties of the jar to the member.** [...] Since the jar does not define the characteristics of its members, membership in a jar is very flexible and does not involve complex hierarchical structures” (emphasis added).

As such, it is clear that Maulsby **teaches away** from changing an object from being associated with one rule/property to another rule/property by simply moving it between different jars. Maulsby expressly teaches that moving an object out of a jar **does not** disassociate it from a rule/property, and moving the object into another jar **does not** associate it with another rule/property.

¹ This paragraph teaches a non-limiting example where a design element is changed from a layer value of 1 to a layer value of 2. Please note that layer values 1 and 2 are mutually exclusive, i.e., a design element's layer value cannot simultaneously be 1 and 2.

Furthermore, even if one were to consider membership within a jar as a characteristic, Maulsby expressly teaches that memberships in different jars are **not** mutually exclusive characteristics. I.e., a member of one jar may also be a member of another jar.

In view of the foregoing, Applicant respectfully submits that the cited references, taken separately or in obvious combination, fail to teach or suggest the claimed feature of switching a design object's association between mutually exclusive characteristics by dragging an object from one affinity region and hovering it over another, as claimed.

At least for this reason, Applicant submits that independent claims 1 and 19 are allowable. Accordingly, claims 2-4, 8-13, 20, and 22-27 are allowable at least by virtue of their dependency on allowable independent claims. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

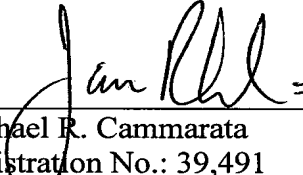
In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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